

## **REMARKS**

The March 11, 2005 Office Action was based upon pending claims 1-3 and 5-44. This amendment amends Claims 1, 2, 8, 18, 27, 30, 35, 39, and 40. Thus, after entry of this amendment, Claims 1-3 and 5-44 are pending and presented for further consideration.

In the March 11, 2005 Office Action, the Examiner rejected Claims 1-3 and 5-44. In particular, the Examiner rejected Claims 1-3, 5, 6, 8-19, 21-33 and 35-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,885,003 ("the Ladden patent") in view of U.S. Patent No. 6,104,996 ("the Yin patent") in view of U.S. Patent No. 6,130,577 ("the Tamba patent") further in view of U.S. Patent No. 6,002,719 ("the Parvulescu patent"). The Examiner further rejected Claims 7, 20 and 34 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Ladden patent in view of the Yin patent in view of the Tamba patent in view of the Parvulescu patent and in further view of U.S. Patent No. 5,469,471 ("the Wheatley III patent").

### **REJECTION OF CLAIMS 1-3, 5, 6, 8-19, 21-33 and 35-44 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 1-3, 5, 6, 8-19, 21-33 and 35-44 under 35 U.S.C. § 103(a) as being unpatentable over the Ladden patent in view of the Yin patent in view of the Tamba patent and further in view of the Parvulescu patent.

#### **Claims 1, 8, 18, 27, 30, 35, and 39**

Ladden, Yin, Tamba, Parvulescu, or any combination thereof, appear to change speech coders when the signal quality degrades and a better quality coder, or a bandwidth more suited to the signal, is needed to raise the quality of the speech coded in the mobile phone to an acceptable level.

In contrast, an embodiment of the invention monitors the quality of the received signal and switches from a first speech coder to a second speech coder when the quality of the received signal is high. The second speech coder then produces a speech signal, which is not as high quality as the first speech coder produces. The second speech coder consumes less battery power and reduces power consumption in the mobile unit (see page 14 line 8 and page 15 line 6). The second speech coder is

less accurate than the first speech coder (see page 14 lines 6-8). The second speech coder is a lower quality speech coder than the first speech coder (see page 10, lines 11-13).

Because the references cited by the Examiner do not disclose, teach or suggest the use of switching to a lower quality and less accurate speech coder when the quality of the signal is high, Applicant asserts that Claims 1, 8, 18, 27, 30, 35, and 39 are not obvious in view of Ladden, Yin, Tamba and Parvulescu. Applicant therefore respectfully submits that Claims 1, 8, 18, 27, 30, 35 and 39 are patentably distinguished over the cited references and Applicant respectfully requests allowance of Claims 1, 8, 18, 27, 30, 35 and 39.

**Claims 2, 3, 5, 6, 9-17, 19, 21-26, 28, 29, 31-33, 36-38, and 40-44**

Claims 2, 3, 5, and 6, which depend from Claim 1, Claims 9-17, which depend from Claim 8, Claims 19, and 21-26, which depend from Claim 18, Claims 28 and 29, which depend from Claim 27, Claims 31-33, which depend from Claim 30, Claims 36-38, which depend from Claim 35, and Claims 40-44, which depend from Claim 39, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 8, 18, 27, 30, 35, and 39, respectively, and because of the additional features recited therein.

**REJECTION OF CLAIMS 7, 20, 34 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 7, 20, 34 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Ladden patent in view of the Yin patent in view of the Tamba patent in view of the Parvulescu patent, and further in view of the Wheatley III patent. In view of the following discussion, Applicant respectfully traverses this rejection.

Claims 7, 20, and 34, which depend from Claims 1, 18, and 30, respectively are believed to be patentable for the same reasons articulated above with respect to Claims 1, 18, and 30, respectively, and because of the additional features recited therein.

**REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicants' attorney can be reached at (949) 721-2998 or at the number listed below.

**CONCLUSION**

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

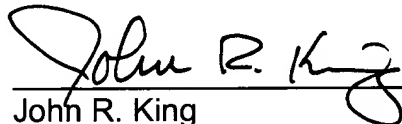
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/10/05

By: \_\_\_\_\_



John R. King  
Registration No. 34,362  
Attorney of Record  
Customer No. 20,995  
Sixteenth Floor  
(949) 760-0404